

State of Arizona
House of Representatives
Fifty-fourth Legislature
Second Regular Session
2020

HOUSE BILL 2232

AN ACT

AMENDING SECTIONS 13-4503 AND 13-4505, ARIZONA REVISED STATUTES; RELATING
TO COMPETENCY EXAMINATIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 13-4503, Arizona Revised Statutes, is amended to
3 read:

4 13-4503. Request for competency examination; jurisdiction
5 over competency hearings; referral

6 A. At any time after the prosecutor charges a criminal offense by
7 complaint, information or indictment, any party or the court on its own
8 motion may request in writing that the defendant be examined to determine
9 the defendant's competency to stand trial, to enter a plea or to assist
10 the defendant's attorney. The motion shall state the facts on which the
11 mental examination is sought.

12 ~~B. Within three working days after a motion is filed pursuant to~~
13 ~~this section, the parties shall provide all available medical and criminal~~
14 ~~history records to the court.~~

15 ~~C.~~ B. The court may request that a mental health expert assist the
16 court in determining if reasonable grounds exist for examining a
17 defendant.

18 ~~D.~~ C. Except as provided in subsection ~~E~~ D of this section, after
19 any court determines that reasonable grounds exist for further competency
20 proceedings, the superior court shall have exclusive jurisdiction over all
21 competency hearings.

22 ~~E.~~ D. The presiding judge of the superior court in each county,
23 with the agreement of the justice of the peace or municipal court judge,
24 may authorize a justice court or municipal court to exercise jurisdiction
25 over a competency hearing in a misdemeanor case that arises out of the
26 justice court or municipal court.

27 ~~F.~~ E. A justice of the peace or municipal court judge, with the
28 approval of the presiding judge of the superior court and the justice or
29 judge of the receiving court, may refer a competency hearing to another
30 justice court or municipal court that is located in the county.

31 Sec. 2. Section 13-4505, Arizona Revised Statutes, is amended to
32 read:

33 13-4505. Appointment of experts; costs

34 A. If the court determines pursuant to section 13-4503 that
35 reasonable grounds exist for a competency examination, the court shall:

36 1. IF THE DEFENDANT IS CHARGED WITH ONLY A MISDEMEANOR, APPOINT ONE
37 OR MORE MENTAL HEALTH EXPERTS TO EXAMINE THE DEFENDANT.

38 2. IF THE DEFENDANT IS CHARGED WITH A FELONY, appoint two or more
39 mental health experts to examine the defendant.

40 B. THE MENTAL HEALTH EXPERT SHALL EXAMINE THE DEFENDANT, issue a
41 report and, if necessary, testify regarding the defendant's competency.
42 The court, on its own motion or ~~upon~~ ON motion of any party, may order
43 that one of the mental health experts appointed shall be a physician
44 specializing in psychiatry and licensed pursuant to title 32, chapter 13

1 or 17. The state and the defendant, ~~upon~~ ON approval of the court, may
2 stipulate to the appointment of only one expert.

3 ~~B.~~ C. The court may order the defendant to submit to physical,
4 neurological or psychological examinations, if necessary, to adequately
5 determine the defendant's mental condition.

6 ~~C.~~ D. The court shall order the defendant to pay the costs of the
7 court ordered examination, except that if the court finds the defendant is
8 indigent or otherwise unable to pay all or any part of the costs or if the
9 prosecution requested the examination, the court shall order the county to
10 pay the costs of the examination or, if the case is referred by a
11 municipal court judge, the court shall order the city to pay the costs of
12 the examination.

13 ~~D.~~ E. This section does not prohibit any party from retaining its
14 own expert to conduct any additional examinations at its own expense.

15 ~~E.~~ F. A person who is appointed as a mental health expert or
16 clinical liaison is entitled to immunity, except that the mental health
17 expert or clinical liaison may be liable for intentional, wanton or
18 grossly negligent acts that are done in the performance of the expert's or
19 liaison's duties.